

DATE

Edward M. Leonard Jr.
Attorney at Law
711 First Street
Morgan City, Louisiana 70380

Re: **Louisiana Board of Ethics**
Docket No. 2021-102

Dear Mr. Leonard,

The Louisiana Board of Ethics, at its meeting on April 9, 2021, considered your request for an advisory opinion on behalf of your client, Charlie Solar Jr, as to whether the Code of Governmental Ethics ("Code") would prohibit Mr. Solar from continuing to serve as a Board Member for the St. Mary Parish Consolidated Drainage District No. 2A while employed by Morgan City.

FACTS PROVIDED

The new St. Mary Parish Consolidated Drainage Board No. 2A ("Drainage District 2A") was created on April 22, 2020. Charlie Solar Jr. was appointed by the St. Mary Parish Council as a Board Member for Drainage District 2A on May 27, 2020.

On January 11, 2021, Morgan City Mayor Lee Dragna nominated Mr. Solar to be the city's Chief Administrative Officer. The nomination was then approved by the City Council for Morgan City. Mr. Solar now asks whether he can continue to serve in both capacities.

LAW

La. R.S. 42:1113B: No appointed member of any board or commission, shall bid on or enter into or be in any way interested in any contract, subcontract, or other transaction which is under the supervision or jurisdiction of the agency of such appointed member.

La. R.S. 42:1102(2)(a) defines "agency" to mean a department, office, division, agency, commission, board, committee, or other organizational unit of a governmental entity. For purposes of this Chapter, "agency of the public servant" and "his agency" when used in reference to the agency of a public servant shall mean: (i) ... in the case of public servants who are members or employees of a board or commission or who provide staff assistance to a board or commission, it shall mean the board or commission; (vi) for public servants of political subdivisions, it shall mean the agency in which the public servant serves.

CONCLUSION

The Board concluded, and instructed me to inform you, Mr. Solar's continued service as both Chief Administrative Officer for Morgan City and Drainage District 2A Board Member presents no issues under the Code. Additionally, Mr. Solar would not be prohibited by Section 1113B from being reappointed by the St. Mary Parish Council as a Board Member for the Drainage District No. 2, since the appointment is not under the supervision or jurisdiction of Mr. Solar's agency, the municipality of Morgan City.

However, you should be advised that this opinion request may present an issue associated with the Louisiana Dual Office-Holding laws, which are under the jurisdiction of the Attorney General. The Board suggests that you contact that office regarding the application of those laws. A copy your request and this opinion has been forwarded to the Attorney General's Office.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Governmental Ethics. The Board issues no opinion as to past conduct or as to laws other than the Code of Governmental Ethics, the Campaign Finance Disclosure Act, the Lobbyist Disclosure Act, and conflict of interest provisions in the gaming laws. If you have any questions, please contact me at (800)842-6630 or (225)219-5600.

Sincerely,

LOUISIANA BOARD OF ETHICS

David M. Bordelon
For the Board

DISCLAIMER
This is a draft opinion and it is NOT an opinion of the Louisiana Board of Ethics. No party may rely on the facts or conclusions. The analysis and conclusions herein are provided for discussion purposes only, and are subject to change or revision at the meeting of the Board of Ethics at which this matter is considered.